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**HIDEN, ROTT & OERTLE, LLP**

A Limited Liability Partnership

Including Professional Corporations

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*Attorneys for LILIA PERKINS*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

LILIA PERKINS, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

PHILIPS ORAL HEALTHCARE, INC.,  
a Washington Corporation; PHILIPS  
ELECTRONICS NORTH AMERICA  
CORPORATION, a Delaware  
Corporation; and DOES 1 through 20,  
inclusive.

Defendants.

CASE NO.: 12-cv-1414H BGS

Judge: Hon. Marilyn L. Huff

**DECLARATION OF MICHAEL IAN  
ROTT IN SUPPORT OF MOTION  
FOR ORDER OF PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT, SETTING FINAL  
APPROVAL HEARING AND  
APPROVAL OF NOTICES  
THEREON**

Hearing Date:

Hearing Time:

Courtroom: 15A

I, Michael Ian Rott, hereby declare as follows:

1. I am an attorney at law duly licensed to practice before all of the courts of this state. I am a partner in the law firm of Hiden Rott & Oertle LLP, counsel of record for Plaintiff Lilia Perkins in the above-captioned matter. Based on my personal knowledge and my review of relevant records and documents in this matter, I could and would testify to the matters set forth herein if called upon to do so in any court of law.

2. Our firm spent significant time researching the product on the internet, reviewing

1 customer complaints on the internet, interviewing consumers of the product, including Plaintiff  
2 and other putative class members, as part of our investigation. This level of informal discovery  
3 allowed us to quickly and effectively evaluate the strengths and weaknesses of the lawsuit.

4 3. In addition, we interviewed several dentists to discuss the efficacy of oral irrigators  
5 in general and the AirFloss specifically.

6 4. We have been informed by Defendants Philips Oral Healthcare, Inc. and Philips  
7 North America Corporation (collectively, "Philips") that there are approximately 6,000 registered  
8 AirFloss users in California.

9 5. We requested regional sales information from Philips, but Philips is not in  
10 possession of data that would indicate how many people purchased an AirFloss in California, nor  
11 do they know how many AirFloss units were shipped to California.

12 6. From the 6,000 registered units in California data, our Firm has extrapolated that  
13 there are approximately 50,000 AirFloss owners in California.

14 7. On April 10, 2013, the parties appeared for an ENE in front of the Honorable  
15 Judge Bernard G. Skomal

16 8. At the ENE, Judge Skomal assisted the parties in communicating the perceived  
17 strengths and weaknesses with the parties' respective positions. By the end of the ENE, the  
18 parties had a preliminary agreement on the amount of the vouchers for the class members. Over  
19 the course of the next month Plaintiff's counsel and Philips engaged in continued negotiations  
20 about notice procedures and attorney fees.

21 9. Based on these negotiations and our firm's own investigation, we believe that the  
22 settlement is in the best interests of the putative class members. We have specifically balanced  
23 the terms of the proposed settlement, including both the settlement amount and the benefits  
24 conferred to class members against the probability of liability, the risk of non- certification, the  
25 risks and expense of trial as well as concerns about the likelihood of numerous appellate issues.  
26 We also considered the timing of recovery, delays in receipt of funds due to trial and potential  
27 appeal and similar issues.

28 10. This firm, Hiden, Rott & Oertle, LLP, has extensive experience in Class Action

1 litigation. This firm has been class counsel in a number of class actions that have received final  
 2 approval for class action settlement before the San Diego Superior Court including *Moore and*  
 3 *Ramirez v. The Check Cashing Place, et al.* and *Tormey v. The Vons Companies, Inc., et al.* In  
 4 addition, myself and Eric M. Overholt were appointed to the Executive Committee in the  
 5 nationwide class action lawsuit against Apple, Inc over Apple deceptively advertising the iPhone  
 6 3G in *Gillis v. Apple, Inc.* (In re Apple iPhone 3G Products Liability Litigation) Additionally, I  
 7 and Mr. Overholt are co-counsel on a team that recently received class certification in *Herr, et al.*  
 8 *v. Apple, Inc.* in the San Diego Superior Court for deceptive advertising practices surrounding the  
 9 pricing structure of all iPhones sold at the Apple Store. Further, this Firm currently has a class  
 10 action pending in this Court for the 2011 Blackouts in *Busalacchi, et al. v. SDG&E* (12-CV-  
 11 00298-H). We are currently working on the briefing for the opposition to summary judgment in  
 12 that matter.

13 11. The Joint Stipulation of Settlement and Release negotiated and agreed to between  
 14 the parties is attached hereto as Exhibit 1.

15 I declare under penalty of perjury under the laws of the State of California that the  
 16 foregoing is true and correct and that this declaration was executed on May 28, 2013 at San  
 17 Diego, California.

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 19 \_\_\_\_\_/s/ MICHAEL I. ROTT \_\_\_\_\_  
 20 Michael Ian Rott  
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